

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL DONOGHUE and PREMIUM
MORTGAGE CORP.,

Plaintiffs,

-against-

CYNTHIA NOSTRO, DYLAN RANDALL, DAVID
POPHAM and EVERETT FINANCIAL, INC. d/b/a
SUPREME LENDING,

Defendants.

NOTICE OF MOTION

Civil Action No.:
6:20-CV-06100-EAW

BY: Plaintiffs Michael Donoghue and Premium Mortgage Corp.

DATE, TIME AND PLACE OF HEARING: At the United States District Court, Western District of New York, United States Courthouse, 100 State Street, Rochester, New York before the Honorable Magistrate Judge Mark W. Pedersen at a date, place and time to be determined by the Court.

RELIEF SOUGHT: An Order (1) compelling Defendants to respond fully and completely to Plaintiffs' outstanding discovery demands; (2) Requiring that the Defendants reclassify their productions in accord with the terms of the parties' Stipulated Protective Order; or be precluded from relying on it (3) Requiring that the Individual Defendants amend their responses to discovery requests to identify which Defendant is the custodian producing particular documents; (4) that any non-responding Defendant be required to attend a deposition at that Defendant's expense concerning preservation of documents and spoliation and face potential sanctions , (5) that forensic examinations of Defendants' electronic devices be ordered at their expense, (6) that the Defendants and/or their counsel be ordered to pay the costs of this and prior Motions and reasonable attorneys' fees as well as costs and fees for depositions and other procedures necessitated by their non-compliance; and

(7) that the Court award Plaintiffs such other and further relief as may be proper and warranted by Defendants' failure to comply with the discovery process.

SUPPORTING PAPERS:

Declaration of Good Faith of Sharon P. Stiller, Esq. in Support of Plaintiffs' Motion to Compel Discovery, dated April 29, 2022, with attached exhibits; and Memorandum of Law in Support of Plaintiffs' Motion to Compel Discovery, dated April 29, 2022.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 7(a)(1), Plaintiffs intend to file and serve reply papers and, unless a different schedule is ordered by the Court, will do so within seven (7) days after service of papers responsive to this motion.

Dated: April 29, 2022
Rochester, New York

ABRAMS FENSTERMAN, LLP.

By: /s/ Sharon P. Stiller

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